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**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION**

IN RE: JAMES EDWARD HEATHCOCK NIANNE LUEGENE GAY  Debtors	CASE NO: 10-21687  Chapter 13 FILED ELECTRONICALLY  JUDGE WILLIAM T. THURMAN
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**TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO  
COMPLY WITH ORDER CONFIRMING CHAPTER 13 PLAN**

KEVIN R. ANDERSON, Standing Chapter 13 Trustee in this case, hereby moves the Court for an order dismissing this case based on the Debtors' failure to comply with the Confirmation Order. In support thereof the Trustee represents as follows:

1. Pursuant to the terms of the Order Confirming Debtor's Chapter 13 Plan, the Debtors are required to:
  - a. File with the court and serve on the Trustee a declaration that all claims have been reviewed and that any appropriate objections have been filed and noticed for a hearing within 60 days following the expiration of the bar date for governmental units to file claims under Bankruptcy Rule 3002(c)(1).
2. The Debtors have failed to comply with the aforementioned terms of the Confirmation Order.
3. The Court will administratively dismiss this case without further notice or hearing unless the Debtors take all of the following actions: (1) file a written response with the Court by November 22, 2010; (2) serve a copy of the response on the Chapter 13 Trustee; and (3) hold a hearing on the response within

forty (40) days of filing the response.

4. Therefore, based on the reasons set forth above, the Trustee asks the Court to dismiss this case without prejudice.

DATED: October 28, 2010

KRA /S/  
KEVIN R. ANDERSON  
CHAPTER 13 TRUSTEE

CERTIFICATE OF MAILING

The undersigned hereby certifies that true and correct copy of the foregoing Trustee's Motion to Dismiss was served upon all persons entitled to receive notice in this case via ECF notification or by U.S. Mail to the following parties on October 28, 2010:

JAMES EDWARD HEATHCOCK  
NIANNE LUEGENE GAY  
PO BOX 1482  
ROOSEVELT, UT 84066-4066

ROBERT S. PAYNE  
ECF NOTIFICATION

/s/

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Office of Chapter 13 Trustee